

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LELAND WATKINS,

Plaintiff,

VS.

OFFICER FORESBERG, *et al.*,

Defendants.

Case No.: 2:15-cv-02446-GMN-CWH

**ORDER ACCEPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE CARL W. HOFFMAN**


Before the Court for consideration is the Report and Recommendation, (ECF No. 11), of the Honorable Carl W. Hoffman, United States Magistrate Judge, entered April 26, 2017.

Pursuant to Local Rule IB 3-2(a), objections were due by May 10, 2017. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and agrees with Magistrate Judge Hoffman's recommendations that Plaintiff's Complaint, (ECF No. 13), be dismissed except as to Plaintiff's § 1983 claim against Officer Foresberg for killing his dog. Therefore, the Court has determined that Magistrate Judge Hoffman's Recommendation should be **ACCEPTED** and **ADOPTED** in full.

IT IS THEREFORE ORDERED that the Report and Recommendation, (ECF No. 11), is **ACCEPTED and ADOPTED in full**. The Complaint, (ECF No. 13), is **DISMISSED with prejudice** as to the State of Nevada. The Complaint is **DISMISSED without prejudice** as to Defendant Officer Foresberg for Plaintiff's illegal search, lack of evidence, wrongful incarceration, missing property, and emotional stress claims. However, Plaintiff's § 1983 claim against Officer Foresberg for killing his dog survives.

IT IS FURTHER ORDERED that Plaintiff shall have thirty days from the date of this Order to file an amended complaint only as to Officer Foresberg. Failure to file an amended complaint by this date shall result in the dismissal with prejudice of Plaintiff's claims against Defendant Officer Foresberg alleging illegal search, lack of evidence, wrongful incarceration, missing property, and emotional stress.

DATED this 23 day of May, 2017.


Gloria M. Navarro, Chief Judge
United States District Judge